

HOUSE BILL 1967

By Keisling

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 4; Title 55, Chapter 8; Title 55, Chapter 9 and Title 68, relative to passenger vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-4-130, is amended by adding the following as a new, appropriately designated subsection:

(h)

(1) All owners and operators of private passenger vehicles required to undergo testing pursuant to § 55-4-101(d)(2), § 55-4-104(d)(2) or § 55-6-105(a)(9) shall only be required to comply with motor vehicle emissions standards that were effective as of the date of manufacture of the vehicle. As used in this subsection (h), "private passenger vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of eight thousand five hundred pounds (8,500 lbs.) or less that is used solely for personal or familial purposes and is not used as a public or livery conveyance for passengers.

(2) For purposes of this subsection (h), the date of manufacture shall be determined by the vehicle data plate or model year reported on the certificates of title and registration for the vehicle; provided, that if the date of manufacture cannot be determined by the vehicle data plate or such certificates, and the date is otherwise known to the owner or operator, then the owner or operator shall certify the known model year to the commissioner of environment and conservation and shall certify that the vehicle met the motor vehicle emissions

standards applicable to the vehicle for that vehicle's known model year at the time it was manufactured.

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 9, is amended by adding the following as a new, appropriately designated part:

**55-9-501.**

(a) Notwithstanding chapter 8 of this title, this chapter or any other law to the contrary, each operator and passenger of any private passenger vehicle required to be equipped with safety equipment or other equipment meeting applicable safety standards shall only be required to comply with motor vehicle safety standards that were applicable to the vehicle and its occupants as of the date of manufacture of the vehicle. As used in this section, "private passenger vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of eight thousand five hundred pounds (8,500 lbs.) or less that is used solely for personal or familial purposes and is not used as a public or livery conveyance for passengers.

(b) For purposes of this section, the date of manufacture shall be determined by the vehicle data plate or model year reported on the certificates of title and registration for the vehicle; provided, that if the date of manufacture cannot be determined by the vehicle data plate or such certificates, and the date is otherwise known to the owner or operator, then the owner or operator shall certify under oath the known model year to the commissioner of safety and shall certify that the equipment on the vehicle met the motor vehicle safety standards applicable to the vehicle for that vehicle's known model year at the time it was manufactured.

SECTION 3. The commissioner of environment and conservation and the commissioner of safety are authorized to promulgate rules to effectuate the purposes of this act. All such rules shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. Section 2 of this act shall not become operative if the national highway traffic safety administration advises the commissioner of safety in writing that Section 2 shall render Tennessee in violation of federal laws and regulations and subject to penalties prescribed in the federal laws and regulations.

SECTION 5. Section 1 of this act shall take effect upon the January 1 following the date on which the United States Environmental Protection Agency (EPA) approves a revised state implementation plan consistent with this act, the public welfare requiring it. The commissioner of environment and conservation shall certify in writing to the Tennessee Code Commission the date of the approval and provide the commission with a copy. All remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.